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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

RWANDA

[30 September 1992]

I. INTRODUCTION

1. The rights of the child as defined in the Convention on the Rights of the Child, adopted in New York on 20 November 1989, are for the most part explicitly protected by Rwanda's internal legislation. Certain provisions of the Convention, although not explicitly reproduced in the legislation or regulations, are nevertheless implemented through numerous measures and other administrative decisions.

2. This report will describe the provisions of Rwandese legislation that are already in keeping with those of the Convention on the Rights of the Child and the administrative measures taken by the Rwandese authorities to implement the Convention.

II. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

A. Right of the child to survival and to physical and mental development

1. Right to life

3. This fundamental right, designed to guarantee the child's survival and welfare, is set forth principally in article 6 of the Convention, which states:

> "1. States Parties recognize that every child has the inherent right to life.
>
> 2. States Parties shall ensure to the maximum extent possible the survival and development of the child".

4. Rwanda has specifically included these provisions in the Constitution of 10 June 1991 (art. 24), in Act No. 42/1988 of 27 October 1988 containing the Preliminary Title and Book One of the Rwandese Civil Code (arts. 16 and 200) and in the Penal Code (arts. 325 and 327):

(a) Article 24, paragraph 2, of the Constitution:

> "Parents have the right and duty to raise their children".

(b) Article 16 of Act No. 42/1988 of 27 October 1988:

> "A conceived child shall enjoy civil rights on condition that he is born alive. A merely conceived child is considered to have been born in all cases where his interest so requires".

(c) Article 200 of Act No. 42/1988:

> "The obligation to provide food exists between spouses; it also exists between father and mother, on the one hand, and their children, on the other, and vice versa. Children must also feed their ascendants if they are in need. This obligation is reciprocal".

(d) Article 325 of the Penal Code:

> "Anyone who, through food, beverage, medicine, manipulation, violence or any other means, deliberately causes a pregnant or presumed pregnant woman to abort when she has not consented to the abortion shall be liable to 5 to 10 years' imprisonment. If the woman has consented, the perpetrator shall be liable to 2 to 5 years' imprisonment.
>
> Any woman who voluntarily causes or attempts to cause herself to abort or consents to the use of means administered for that purpose shall be liable to 2 to 5 years' imprisonment".

(e) Article 326 of the Penal Code:

"When the means employed with a view to causing the woman to abort have caused her death, the person who administered or caused them to be administered or obtained them for that purpose shall be liable to 5 to 10 years' imprisonment if the woman had consented to the abortion and 10 to 20 years' imprisonment if the woman had not consented".

2. Right to survival and to the highest standard of health

5. Articles 24 and 25 of the Convention recommend that States parties should guarantee the child's right to the enjoyment of the highest attainable standard of health and to appropriate medical services. States undertake to place special emphasis on primary and preventive health care. Emphasis should also be placed on informing the population.

6. Although incentive measures in this field are not yet included in the legislation, Rwanda has not contented itself with words, but has begun and is continuing to implement the decisions which have been taken and are designed to ensure the survival and development of the child. Vaccination programmes and rehydration campaigns have thus been undertaken throughout the country, designed, always in the child's interest, to improve his living conditions and especially to ensure his survival.

7. However, articles 380, 381, 382, 384, 385, 386 and 387 of the Rwandese Penal Code set forth very harsh penalties for parents or other persons who are guilty of the neglect or exposure of a child.

3. Right to development

8. Children have the right not only to life and to survival, but also to harmonious development. In this context, Rwandese legislation lays down the obligation for parents to feed, support and raise their children. Article 197, paragraphs 1 and 2, of the Rwandese Civil Code stipulate that, "by the marriage alone, the spouses enter together into the obligation to support and rear their children. If one of the spouses fails to meet this obligation, the other spouse may institute proceedings to compel him to do so. These proceedings may also be brought by the Public Prosecutor's Department".

9. The Rwandese legislator attaches such great importance to this obligation that, even in the event of divorce, the parents remain subject to it.

Article 284 of the Civil Code provides:

"Regardless of who is granted custody of the children, the father and mother each retain their right to supervise their children's support and rearing, to which they are bound to contribute to the extent of their abilities".

Article 285 of the Civil Code, Book One, states:

"The dissolution of the marriage through divorce does not deprive the children born of this marriage of any of the advantages that were

guaranteed to them by law or by the marriage agreements of their father and mother. However, entitlement to the children's rights shall arise in the same way and under the same circumstances as if there had been no divorce".

4. Right to education

10. Under article 28 of the Convention on the Rights of the Child, States recognize the right of the child to education and the State's obligation to make primary education compulsory and available free to all, to encourage the development of different forms of secondary education accessible to every child and to make higher education accessible to all.

11. As far as Rwanda is concerned, the State has turned to international cooperation in order to fulfil its obligations in this field and has adapted its legislation to the wishes expressed in the Convention. Article 27 of the Constitution of 10 June 1991 provides that primary education shall be compulsory and free to all. Article 2, paragraph 1, of the Act organizing Primary, Comprehensive Rural and Vocational and Secondary Education stipulates the following:

> "Subject to the special provisions of this Act, primary education shall be free and compulsory for all children living in Rwandese territory without discrimination of any kind, in particular as to race, origin, clan, ethnic group, sex, colour, religion or social status".

12. Along the same lines, article 29 of the Convention recommends that States parties should ensure that education fosters the development of the child's personality, talents and mental and physical abilities.

13. Rwandese legislation gives effect to this provision in articles 11 and 12 of the Act Organizing the Educational System of the Rwandese Republic, which states:

> "Primary education shall provide civic, moral, intellectual and physical education for pupils and give them the basic knowledge they will need in everyday life for comprehensive rural and vocational education and for secondary education.
>
> Comprehensive rural and vocational education has three objectives:
>
> 1. To train productive and reliable citizens open to progress and able to live and introduce changes in the rural environment with a view to improving socio-economic and cultural development; 2. To promote a spirit of cooperation; and 3. To make integrated rural and vocational educational establishments into centres of influence for the surrounding population".

5. Right to engage in cultural and recreational activities

14. The Convention grants children the right to engage in cultural and recreational activities (art. 31). However, as stipulated in article 17 of the Convention, States parties shall encourage the media to disseminate

information that is of social and cultural benefit to the child while taking measures for the protection of the child from material injurious to his or her well-being.

15. Rwanda has given specific form to this commitment by adopting the Sports Organization Act, article 20 of which stipulates that the holding of any event is subject to Government authorization. In this connection, the administrative authorities are entrusted with guaranteeing respect for culture and sound moral standards and ensuring that the events in question are suited to the children's education. With regard to recreational and cultural activities, Rwanda supports initiatives by certain non-profit associations which focus on sports, cultural and artistic activities by young people under 18 years of age. Against this background, Rwanda recognizes and encourages the establishment of youth associations and movements (for example, young Catholic workers' organizations and girl and boy scouts' associations) designed to bring about the children's full development.

B. PROTECTION OF THE CHILD AGAINST ANY FORM OF VULNERABILITY

1. Right to a name, nationality and identity

16. The States parties to the Convention have welcomed the fact that most signatory countries keep up-to-date birth and death registers, give the child a name immediately following his birth and determine in their respective legislation who are nationals and who can acquire a foreign nationality. As far as Rwanda is concerned, effect is given to article 7 of the Convention particularly in articles 58, paragraphs 1, 59, 61 and 117 of the Rwandese Civil Code, which entered into force on 1 May 1992.

2. Right to individual freedom

17. The States parties to the Convention undertake to guarantee the child's right to live with his parents and his right to freedom of expression, freedom of thought, conscience and religion, freedom of association and freedom of peaceful assembly. It should be noted that these principles are enshrined in articles 3, 18, 19 and 20 of the Universal Declaration of Human Rights.

18. At the level of internal legislation, the Constitution of the Rwandese Republic (arts. 18, 19 and 20) recognizes all the rights set forth in the Declaration, which was ratified by Rwanda without any reservations. Moreover, Act No. 54/91 of 15 November 1991 relating to the press (art. 2) recognizes that all individuals have the freedom to make their opinion known through the press.

3. Right to protection

19. Articles 16, 17, 18, 19, 20 and 21 of the Convention on the Rights of the Child are designed to ensure the protection of children against all forms of exploitation. To this end, the States parties to the Convention undertake to guarantee children the following rights:

(a) Protection against ill-treatment

20. This principle is embodied in the Rwandese Penal Code, articles 380 to 387 of which have been amended.

(b) The right to have adoption admitted or authorized only in the best interests of the child

21. This right is given effect in article 332, paragraph 1, of Act No. 42/1988 of 27 October 1988 containing the Preliminary Title and Book One of the Rwandese Civil Code. Adoption is permitted when the grounds for it are justified and if it offers advantages for the adopted person.

(c) Right of the child to be protected against dangerous work

22. The Convention on the Rights of the Child provides children with the right to be protected against any work that endangers their health, education or development. The States parties set the minimum age for admission to employment and provide for regulation of the conditions of employment. This right is enshrined in articles 24, 120, 125 and 126 of the Act of 28 February 1968 containing the Labour Code.

(d) Right of the child to be protected from the illicit use of drugs and the drug traffic

23. The provision of the Convention that protects children from the illicit use of narcotic drugs and psychotropic substances and their use in the production and trafficking of such substances is enshrined in the Act containing the Rwandese Penal Code, especially in articles 271 to 277.

(e) Right of the child to be protected from sexual exploitation

24. The Rwandese Penal Code provides for this right in articles 363 to 375. These provisions prohibit prostitution in any form whatsoever and protect children against sexual exploitation.

(f) Right of the child to be protected against sale, abduction, trafficking, and against torture and deprivation of liberty

25. The Rwandese Penal Code, particularly articles 388 and 390, protects the child against sale, abduction, trafficking, torture and deprivation of liberty. These are preventive criminal measures.

(g) Right of the child to be protected in armed conflicts

26. This right is set forth in article 38 of the Convention on the Rights of the Child. Rwanda has agreed to protect children in armed conflicts by signing and ratifying the Convention Relative to the Protection of Civilian Persons in Time of War.

(h) Right of the child to favourable treatment in the administration of justice

27. Article 77 of the Rwandese Penal Code grants children favourable treatment consisting of a considerable reduction of penalties when the offender is under 18 years of age. Article 40 of the Penal Code also requires prison services to separate children from other prisoners, to the extent to which facilities permit.

III. CONCLUSION

28. Despite the difficulties resulting primarily from its economic situation, which is not at all favourable, Rwanda has made and continues to make every effort to comply with the commitments it accepted when it signed and ratified the United Nations Convention on the Rights of the Child. Its success in this regard will, however, always depend on international assistance with a view to expediting the search for durable solutions to the problems that have already been identified in this area.